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**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990,  
c. P.8, as amended (the "*PBA*" )

**AND IN THE MATTER OF** a Proposal of the Superintendent of  
Financial Services to consent under section 78(4) of the *PBA* to a  
payment out of the **Employees Pension Plan of BICC Canada  
Inc.** (the Plan), Registration Number **0293761**.

**TO:**           **BICC Canada Inc.**  
                  **Balfour Beatty Management Inc.**  
                  **19 Spear Road, Suite 201**  
                  **Ramsey NJ 07466**  
                  **USA**

**Attention:**   **Joanne Bonfiglio**  
                  **Vice President – Tax**

**Copy To:**    **Duncan B. Richardson**  
                  **Mercer (Canada) Limited**

## **NOTICE OF PROPOSAL**

**I PROPOSE TO CONSENT** under section 78(4) of the *PBA*, to the payment out of the  
Plan to **BICC Canada Inc.**, as at **April 20, 2010** in the amount of **\$139,605.66** plus interest to  
the date of payment.

### **REASONS:**

1.     **BICC Canada Inc.** is the employer as defined in the Plan.
2.     As a result of **the employer funding the deficit on the wind up of the Plan, as at April 20, 2010, there are assets remaining after all the benefits have been settled.**

3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. Such further and other reasons as may come to my attention.

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the “Tribunal”) pursuant to section 89(6) of the *PBA*. **To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.**<sup>1</sup>

**YOUR WRITTEN NOTICE** must be delivered to:

Financial Services Tribunal  
5160 Yonge Street  
Suite 1600  
Toronto, Ontario  
M2N 6L9

Attention: The Registrar

**FOR FURTHER INFORMATION** on a Form for the written notice, please see the Tribunal website at [www.fstontario.ca](http://www.fstontario.ca) **or** contact the Registrar of the Tribunal by phone at 416-590-7294, toll free at 1-800-668-0128, ext. 7294, or by fax at 416-226-7750.

**IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE PROPOSAL AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this **26** day of **October, 2010**

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K. David Gordon  
Deputy Superintendent, Pensions